

**REMARKS**

Entry of the foregoing, and reconsideration of the above-identified application are respectfully requested.

Claims 2 and 16 have been amended. Claim 2 was amended to remove reference to SEQ ID NOs: 8 and 10, and thus delete non-elected subject matter. Claim 16 was amended to make more clear that the progeny of the plant is being referenced. No new matter is added by these amendments.

Applicants note with appreciation the indication that claims 2 and 13 would be allowable if reference to SEQ ID NOs: 8 and 10 was removed. In view of the instant amendment, claim 2 and all claims depending therefrom, claims 13-16, are now believed to be in condition for allowance.

The instant amendments are believed to be in keeping with 37 C.F.R. §1.116. No new issues are raised by the amendments, and the claims are believed to be placed in condition for allowance.

Claims 10, 16, 20 and 24 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. This rejection is respectfully believed to be rendered moot by the instant amendment.

Claim 16 has been amended to make clear that it is the progeny of the plant that is being referenced in the claim. Claims 10, 20 and 24 have been deleted. The rejection of the claims is thus believed to now be moot.

Withdrawal of this rejection is thus respectfully requested and believed to be in order.

Claims 1, 3, 4, 5, 6, 9, 10, 17-24 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly containing new matter. This rejection has been rendered moot by the cancellation of all of these claims. Withdrawal of this rejection is respectfully requested. Such action is believed to be in order.

Claims 1, 3-6, 9, 10 and 17-24 have also been rejected under 35 U.S.C. §112, first paragraph, as allegedly not being described in the specification. This rejection is respectfully believed to now be moot. All of the rejected claims have been cancelled from this application. Withdrawal of this rejection is respectfully requested. Such action is believed to be in order.

Claims 1, 3, 4, 5, 6, 9, 10, 14-24 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly not being enabled by the specification. This rejection, as it applies to the claims of record, is respectfully traversed.

Claims 14-16 are believed to be included in this rejection in error. Claims 14-16 depend from claim 2. Claim 2 was not included in this rejection. Similarly, claims 14-16 should not be included in this rejection. These claims are fully enabled by the specification.

Withdrawal of this rejection is thus respectfully requested and believed to be in order.

Claims 1, 3-6, 9, 17-19 and 21-23 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Bowles et al. This rejection is respectfully believed to be rendered moot by the instant amendment. All of the claims included in this rejection have

been cancelled. Withdrawal of this rejection of record is thus respectfully requested. Such action is believed to be in order.

It is respectfully submitted that all rejections have been overcome by the above amendments. Thus, a Notice of Allowance is respectfully requested.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (508) 339-3684 so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: *Malcol K. M. Jawa #39,300*  
for Donna M. Meuth  
Registration No. 36,607

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620  
Date: February 10, 2003

**Attachment to Reply and Amendment dated February 10, 2003**

**Marked-up Claims 2 and 16**

2. (Twice Amended) A gene encoding a protein that has an amino acid sequence as set forth in SEQ ID NO: 2, [8, or 10,] and that has an activity of transferring a glycosyl group to aurones.

16. (Amended) A cut flower of the plant according to claim 15, or a progeny [thereof] of said plant having the activity of transferring a glycosyl group to aurones.